IN THE FAMILY COURT
HELD AT INVERCARGILL
I TE KŌTI WHĀNAU
KI WAIHŌPAI

FAM No: 2022-025-000027 & 28

BETWEEN [redacted] WEBB

of Invercargill
Mother

Applicant

A N D KYLE JAMES CRAIG

of Invercargill
Father/Dad

Respondent

Respondent Submissions to Points of Law and View

Dated 16/06/2023

Filed By:

The Respondent
Kyle James Craig
Glengarry, Invercargill

In Brief: The Temporary Protection Order

In Relavant Brief: *Ab initio*

1, The Applicant Ms Webb and I, The Respondent Mr Craig, shared a 6yr relationship between 2015-2021 bearing two children Isla and Kindred.
During our time, we became subject at times to a Family Harm call out. No charges were laid against Mr Craig nor any Arrest, in line with no evidence of Family Harm being present when these situations were sighted by Police until post separation where verbal interactions with Webb's extended family were incorrectly granted a police safety order

The Police Safety Order:

The current Version 5.0 or The Policing Manual (Police Instructions Policy) states:

2. *When to Issue Police Safety Order* – When the qualified constable does not make an arrest but conducts an assumption of probability analysis of iminent harm based on

- claims the alledged violent person has used family violence in the past.
- Has mental health issues
- has hardship or recent adverse life event.....etc

3. The Test Criteria is very similar to The Courts. I contest this Police Safety Order, but I am still only stuck in the process of even obtaining the files and details of this event via an information request, so as to challenge the Seargents decision that day to allow this Police Safety Order in the first place, of which, is now being used as evidence to commence and cement these proceedings.

The Temporary Protection Order:

4. Section 79 of The Family Violence Act 2018 states The Court may make a Protection Order if it is sattisfied that the Respondent has inflicted or is inflicting family violence and that the making of the order is necessary for The Applicant, The Children and The Applicants Family to protect them from immediate danger.

5. It remains that articles of evidence in support of The Applicants 10th Feburary Application Affadavit are in question by The Respondent via my Notice of Defense.

6. Furthermore, my children Isla and Kindred were not and are not at risk of harm by me nor were they present in Any family violence by me. Many of the post separation claims were via messaging and not in view of, or involving any threats of harm toward the children in these matters.

The Fundamental Approach:

7. Any claim of Family Violence is next met with an assessment of the person inflicting violence by using methods of social science research and analysis data to build a balance of probabilities of ones likelyhood to pose a risk of violence.

8. I say that I by default meet this test criteria based on my history/record, but I argue here that this risk assessment was conducted wrongly, without in person screening nor my input and that it was not relavant nor should have weight on the current situations (at this time) at hand. This resulted in an incorrect real time risk assessment.

9. It was too easy for Webb to gain a Temporary Protection Order, an order of which at the time was not necessary, provocative in itself, it promoted social abandonment and offered no support for the bound person, nor was it necessary or needed to provide security from harm as no immediate harm to Ms Webb was present or evident.

10. The severe civil and political restrictions on a respondent call for The Court to make sound decisions, but as the criteria was met, I the Respondent now assert that the TPO in turn fuffilled a purpose at the time, but it has now been over a year and a half and that a Final Protection Order is not justified, especially given the similar elements of restraint and security that can be inculcated within the strength of a Parenting Plan and a safe hand over Safety Plan to the satisfaction of The Applicant.

Procedural Defense:

11. Respondent claims of The Applicants Abuse of Process, to meet an incentive or action for gain is in relation to the above.

12. My application to The Court for my criminal record to be read as at the 10th day of Feburary 2022 when the Temporary Protection Order in question was granted is related to this defense/point of law. Without the above Police Safety Order I argure that The 10th Feburary Judge would not have been mislead, as the method used in granting emergency protection applications returned a result of 'Risk Posed' but this was in actual fact, very far from the truth and established actions, yet appeared to seem corroborated by the Police. There was no evidence of heated tensions, proximity or immediate danger to The Applicant, my Children or Webb's extended kin.

13. As the evidence displays, when read alongside Section 185 of The Family Violence Act 2018 there was no imminent, escalating or grave threat of family violence occurring and that any supportive addition of concern expressed from a third party to The Applicant would have been a summary built largely upon Ms Webb's own words and interpretation and so again, in line with her (et al) motives or intentions.

14. The Risk Assessment made on Craig, without anyone conducting a real time assessment of Craig led to a biased, disadvantaged and more importantantly false finding based on actual circumstance and furthermore (calming for the Honour whom discharges this Temporary Order Application) reminds the Court that The Applicant is already Protected enough by Law and Order via the Police and The Crimes Act and accompanying Legislation and that she is willing and able to call the Police, whom will immediately respond and conduct Fair and Just inquiry or investigation for all, and that The Applicant is also not alone, unsupported, invisible to community organisations and services, so both points reveal a fair and just protective factor for the Applicant is already in place and that a Final Protection Order is not required nor justified.

15. The Procedural Defense here remains firm that the e-duty procedural method brought Craig to be judged wrongly and that the process was also incompatible with the goals, values and interests of the justice system when given weight in the sense of

immediate imminent harm and matter of actual circumstance where harm/threats wasn't existant.

-The Parenting Order

16. Section 105 of The Family violence Act 2018 allows The Court to make in interim Parenting Order and I The Respondent agree that this is what was needed for fairness to all as-well as in the best interest of the elimination of risk and attempts at contact.

17. There is no clear evidence of harm, abuse nor neglect committed by me toward my children and my interloctuary application for custody with a majority of care agreement in favour of The Applicant deserves to be read with as much weight as the substansive applications as there is nothing further in The Applicants narrow demand that I forever Only get Supervised Visits than what she has already offered. I therefore see no valid reason for The Court Rules to allow The Applicant to call for this supervision, aside from whatever may be her hidden underlying motifs.

18. This is abuse, paternal and familial alienation and there are a large number of people, central to my childrens lives whom are also being subjected to this Temporary Order non justifyingly robbing my children & our wider family of sustaining and building on our already foundated bonds and that I The Respondent have not even been given an award of Care chance to more fairly conduct my childrens access to both sides of their Whole Family.

22a. Under Section 83(1) of The Family Violence Act 2018 when determining whether to make a Protection Order The Court must have regard to the perception of The Applicant of the nature and seriousness of the behaviour in respect in which the application is made and to the effect of that behaviour on The Applicant.
The Police Safety Order was gained by The Applicant claiming said interest in 3rd party messages to which she then claimed offense and has coupled this in the Court with evidence and allegations not good enough to take to Police as they are false and unsubstanciated, but have in turn brought justice for all by our opportunity here to develop a Parenting Order and Safety Plan that in turn achieves what it seems all parties want. I would be bound by the Parenting Order and it's change over Safety Plan in ways similar to a Protection Order Standard Conditions as the Applicants wishes will be outlined in the Safety and Hand Over Plans and I would not want to jeopridize what I have tried to work hard for and I would not want to be subject to another protection order by the applicant in the future by messing anything up. These proceedings have in the least made me more appreaciative of my children but also remind of how I should be conducting incredibly better, mature and appropriate behaviour than I have been and that my children need to see a role model of behaviour and conduct when they are in my care and when they are, this will be reflective of all ive learned, especially in these proceedings.

Vitiating Factors

Without Notice Applications

19. Without-Notice Applications can benefit Respondents as they are more likely to be involved from the inception of suit iucourt if they wish to file a defense.

20. Without-Notice Applications have been incentivised and through Portia, Womens Refuge and Family Justice Services and Social-Worker/Counselling Agencies this makes Family Justice accessible to all in New Zealand, which is really good, especially for those in isolated situations with no supports or those whom are not sure how to approach the process and need help or for above all, those in or whom have just suffered immediate and personal threats of harm or danger.

21. Without-Notice Applications can take 2.1 times the Court resources and time, as On-Notice Applications. There are however some unprecidented risks in this more recent move by Parliment and this again coupled with the increase of the qualifying criteria to include even (Applicant Gurantee it seems) based on Any claim of actual, recent or even past verbal abuse or coercion in its least. As we see here, in this complex case how The Applicant has ticked nearly every qualifying box, and I, no matter what, will always return High on a Risk-Assessment automatically via RocRol and the current SAFVR Dynamic tool.

22. Understanding the support, gains and access to Lawyers gifted to an Applicant to obtain Without-Notice Applications may be a significant reason for applying Without-Notice but there is a risk that this factor might not be the only most significant incentive. Things like immediate award, or simply applied for as a means to avoid out-of-court resolution, where it is the recognition and appreaciation of the very merit of out-of-court resolution, which is currently being avoided by The Applicant to achieve 100% her demands.

2018 Family Violence Act Test

23. Section 109: Power to Discharge Protection Order

(1) The Court may discharge a protection order if all or the following apply:

(a) the applicant or respondent applies for the discharge
(b) the discharge complies with Section 110
(c) the court finds fit

24. Section 110: Test Criteria (in Support of) discharging protection order

(1) The Court musnt discharge a protection order under Section 109 unless it is satisfied that the order is no longer necessary for the protection of any protected person

(2) in determining whether to discharge a protection order under Section 109, The Court must have regard to the following matters to the extent that they are relavant in the particular case: hereby

(a) It has lapsed over 18months since the order was made, 5months after our break up, and last seeing eachother.
This timeframe has moved the issue away from our break up or intimate relations and now more into the realm of child custody and access.
The Applicant has had this time to reveal produce more 'unidentified family violence' if there was any, and hasn't. Which falls in favour of The Respondent, however this length of period since the order was made means this delay and effect of these proceedings falls unfavourably on the justice sector, which is more profoundly felt by the children involved.

To date, no one else has even suggested or attempted mediation or dispute resolution and it has been over 18months, long enough to discharge this order.
It is my evidence and submission that I was not in dispute with Ms Webb at all in the first place. I had arrangements with Gerald Forde to facilitate visitation hand over etc but this is where The Applicant and I had stopped talking.
I wanted Gerald Forde replaced as contact, after some time and and some unfairness, but this does not constitute a Final Protection Order.

(b) the behaviour that led to the making of this order requires Myself, The Respondent, as- well as The Court to reflect.

I didn't want to upset Ms Webb but I was completley locked out of my life, and plans with Mr Forde about my Children were always cancelled or given ultamatiums (for me to share information about my farm, life and whereabouts to The Applicant party) and I have embarrassingly sent some illegible, very unsophisticated messages to Ms Webb and that is not fair on her or our situation, but does not justify a protection order as these are not threatning Violence, not replied to, not frequent and I could claim psychological abuse from Ms Webb as-well, but abouve all, we share No Proximity.

The Court must there take into account the Applicants tendencies to violence and abuse when weighing up The Respondents nature, seriousness and how often the alledged Family Violence occurred, as at the 10th day of Feburary 2022.

The Respondent had messaged the Uncle and Grandad of The Applicant causing her to seek the Police. These conversations are in the files of The Court and they prove the conversation ended, then and at those times. This does not constitute iminent or emergency harm and as The Policing Manual suggests, I got a Police Safety Order (which I put to The Court was suggested that The Applicant ask for by 'knowledgable' supports/agents) weeks even months later, based on the same complaints for messages and because they were unable to charge me the Policing Instructions Policy suggests this PSO was a generic placing to reprieve and re-centre the informants nerves that day.

The Police Safety Order gave 10days.
I did not breach this, I have no charges or offences against Della and the breaches of the Temporary Protection Order that lie in support of The Applicant would Not be Crimes if this order was not wrongfully applied for.
From there, The Applicant has been handed a whole new jurisdiction to charge me, for a breach even if no direct breach is apparrant. Now, since nearly half way through March 2022 I now have charges against my childrens Mother and a public publication written about me that I also soley antagonized my children.
The Applicant has here then used the same information that was NOT endorsed or proven by Police to alongside the 10day Police Safety Order, unnecessarily gain (10days later, with no issue) this Temporary Protection Order and thus, wrongfully, a systematic tool, like the balance of probabilities show, her relentless campaign to (through associates) gauge

any reaction from me for a breach suggests that this was a one way street and that The Applicant was not fearful of immediate danger (I have evidence to this effect in the Police FLINT file) and that the rules of protection don't apply to the protected person.
This is contempt of Court and 100% power, knowledge and control over a Respondent.

The behaviour that led to the making of the Temporary Protection Order sits in the Application and Affadavits of Webb's 10th Feburary 2022 Application.
We are to assess its seriousness in nature and frequency, as-well as its ecsallation or reprieve. We need to establish if actual pre-separation violence occurred or not.

My post frustration is Not a distressed state, or emotional imbalance and I have seen no evidence to suggest this.
I love my children and I really miss them and 1hour a week, does not mean 52 hours a year. There are 8736 hours in a 1year period and I dont even get 52 of them.
This has resulted in episodes of entrapment.

(c) I The Respondent alongside the above mentioned Psychologist embarked on a venture to join and add Autism Networks & Supports online and to read about peoples relationships, stories in navigation, interpretations and tips and advice. This is the first up most thing that jumps out when acknowledging steps I have taken to emerge from this not just a better parent but also a more thoughtful person because these are always new, are positive and thought provoking and I am able to access these frequently and they help.

It is in this view that we realise that Respondents are just handed a Protection Order.
it says to read it and suggests a non-violence course thats weeks away but compared to An Applicant, Respondents get no support, not even a quick run down of the Applicants thoughts/wishes,
I wish to address my behaviour and past by partaking in Any condition of The Court to do any mediation or programmes/assessments, post resolution.

I know with more access and structure to have my children to focus on, that my girls are growing everyday. I have a Son, Im allowed to see/have him whenever remember.
It's daughters that im prepared to differenciate, bond and understand so that I can become someone that my daughters can rely on and turn to.
I used to be. Now im here to strengthen what we currently still already have.

(d) If Ms Webb didn't (knowingly, or not) take Gerry & Spirit Army from Me, who in turn took Autism New Zealand from Me of which I sought Nga Kete and Waihopai Runaka and the Applicant severed that as my community supports in their professional capacity only, became my first breach and then the charging officer (of whom had said interest in the Webb/Reynolds/Henderson home) warned me off of runaka or any agencies then I would not have been stripped of my community support networks once this order was placed and I would have been more sound/engaged with positive outfit.

(e) I wish to prompt the release of, to The Respondent Party, the documents detailing concerns held by that assessor or service provider.
I have provided Rachel Campbell's Testimony from Waihopai Runaka in support of part (e) in this view, falling into favour of the Respondent and a judgment to suit.

(f) I dont know how to explain this.
I have committed No Offences against Ms Webb except Breach of the TPO.

For simply wanting and wondering how I can just see my kids in this country (and also maintaing hectic farming employment routine) my children were sat infront of me on Feb 10th and ever since have been there pretty much (at times happy and at times not) while I am watched for any reaction of mine, for even being worried or missing them, constantly screened for breach (despite The Applicant's blatent breach of The Parenting Order remaining immune from the Law) while The Court says No, Wait, No, Dont Move. Dont! Any reaction to this confusing situation is a breach. A breach means the order will now remain forever. Then on top, as a parent, im judged on my parenting in the worse places for supervision to even aptly judge a parent.

(g) The Applicant and I share two children. With the assistance of Mr Forde, The Applicant and I, post separation were able to administer to our own affairs and appoint a medium. This can be done again as we have enough supports (individually) to choose from and The Childrens School is a suitable drop off pick up point also in the future.

This view falls in support of The Rerspondent Interloctuary Applications being awarded and the TPO discharged because these very proceedings once soon delivered will give, in the making of a parenting and safety plan in the least, insight, closure and reassurrance to Me, The Respondent and an award of shared care will also fufill a brand new focus/world view. A brand new risk assesment, for the positive.

It's not about the 10th Feburary 2022 Temporary Protection Order.
Its Not about the 1st Feburary 2022 Police Safety Order and my (lack of) actions that day. It's not about the unnecessary November 2021 Tresspass Order handed to me via Gerry at visits.
It's about awarding the adverse Respondent Party a fair and lawful Parenting Order.

(h) Based in view of The Respondent, Actions committed against the Applicant and Children were Not Family Violence.
They were not Physical, Financial, Coercive, Controlling and never once have I ever refused to leave Webb's address, assaulted her or accosted her in any form of a threatning manner post separation. The Family Violence they refer to in the Police Safety Order were first: an attempt to right The Applicants wrongs by her family after we broke up.
This was in November and December 2021. Wrong of Me, and I haven't messaged them since.
Charges, in 2022 against associates to The Applicant were between me and the civilians in their private capacity but these were violence (property damage) and I admit that.

I want the reassurance, distraction, input and responsibility of learning, sharing, planning and getting to know my daughters Isla and Kindred.

There is No risk of future family violence toward The Applicant or household, or my Children, despite (like a Bail Act Section 12) this unrelavant assessment will remain High, no matter the day. This is unfair situational discrimination if not fully weighed by (both sides input) and should not be allowed by the Law. (for a self-serving civilian to make judgment)

Any frustration or action was protection/separation-instigated and not an indicator of Family or Relationship violence or coercion while we were de-facto & with our children, which was originally the matters in dispute.
However, any hindering on the promotion of mediation or family dispute resolution caused by me is unacceptable and in final deliberation, we would benefit from a condition to attend The reputic Interventions or any programme or workshop that The Court deems apt.

(I) In The Respondent view, I really have no idea what concerns led to the Temporary Protection Order as aside from The Applicants Affadavits, the only issues for determination that The Applicant has expressed is: a request for a Final Protection Order and 100% Supervised Visits forever. She has not offered any other view of reprieve or solution.

This gives The Applicant 100% control not just over the Children but also of Me if she wanted too, that is why, in the absence of the Temporary Protection Order following its discharge, it is Paramount that The Court award Fair and Lawfully structured parenting plans and visitation/care obligations because the issue for determination is not violence, its about moving forward and not having any of these reasons to be constantly arrested for a crime that wasn't a crime 2yrs ago just because my Children are out there and no one tell's me anything. I miss our normal everydays.

This is why I as The Respondent seek the granting of The Respondent Interloctuary Parenting Application in My favour because Im willing to work with a (private or any professional) representitave of Ms Webb or anyone to make sure we both see our children and fairly.
I have formed a Safety & Parenting Regulations Plan draft, but I have found I cant make this one sided. I have asked for dispute resolution or mediation before but to no avail. Spirit Army have already proposed a visitation plan but then Spirit Army itself withdrew it.

Family Violence in New Zealand is not what we need in this small isolated nation. I am Not here to endorse any harmful sterotype of 'the women scorned' or revenge tactics being used by instructing lawyers. Because there are people out there who Really need these. But I just dont know why this has so suddenly been done to me and my kids. It's because of the lies & unfortunate calculations of me that im trying my best here, yet speak fo myself Im the one whom moved to a farm and quickly found many successes. It was The Applicant in Feburary whom infiltrated My home and Employment with the Armisted associate despite a protection order in place to secure her.

Concern that led to the order is not present if a fair and just Parenting Order and agreement in line with Webb and The Childrens wishes grants Me fair access and that we have a mediator for The Applicants reassurance when handing over care or information. My Interloctuary Application is fairer for all and this matter of fact and point of view is in support of The Discharge of The Temporary Protection Order and the establishment of The Respondents more equal and communicative Interloctuary Parenting Order.
A Parenting Order that houses favor for The Applicant

(j) I briefly write on behalf of Isla and Kindred (protected persons) ascertained views on The Application. When I've said: I Love You'se so much, they say I know Dad.
I wonder How they know, but it is only natural.
The Children miss my wider family and they know I work (while fighting for custody of them) on a small sheep/chicken lifestyle block just minutes from Rockdale Road in Invercargill. We have so many plans and shared interests. Our bond remains strong

25. I just haven't been afforded details of their 'views' by The Court yet to allign these here.

Complex Case

26. The Waitangi Tribunal final report on complex cases states the paradigm of unevidenced allegations that are denied by a respondent, the police have not brought any charges and there is no determination of fact require strengthened evidence to prove otherwise fall with the judgment found by calculating the balance of probability. These Applications contribute to case complexity through the difficulty of establishing the facts vs perception vs hearsay vs Applicant view. What we have in this case is breaches of The Temporary Protection Order that suggest Family Violence is being used arising in the context of matters for determination which is whether Family Violence has been used in the past and is there any need, for in the future, a Final Protection Order to be made.

27. This is where Respondent claims that it wasn't about the Temporary Protection Order, it was about getting me breached and locked up for it (for whatever reason) is defined within the constant documentation of the amount of times The Applicant has called for investigation where no apparent breach or crime is observed and so hasn't eventuated. This is where my response to obvious targeted provocation has to be defended in The Family Court as it is here where all can be resolved through the legal weight of the Parenting Order. The Applicants reliance on recent breaches as standard of overall proof can here blind the fact that with her initial evidence once denied, the Applicant was not able to further satisfy The Court that family violence has happened in the past otherwise and so now appears to rely on breaches to prove violence as an indicator that violence has happened and that a final protection should be made.

28. [redacted]la wasn't happy no one was but I shared a middle-ground with my children where I could look at them and say yes we are :-) and upon reflection via recent knowledge, this was coercion and control mounting to psychological abuse on us by The Applicant.

29. It's not that I get frustrated having to prove a truth which is in the opposite of how things look but it's the fact, I done two things wrong messaging her family. I couldn't get my kids fair with Gerry but I didn't play up. I am now though and here defending myself because yes, it's like the authourities have arrived and Della listens to youse, Knowing that I needed help against Ms Webb. She has offered no new evidence to support her initial stance other than succeeding in making this believed against me in the court of public opinion as she shows people, yes: These 10th Feburary 2022 court documents show why Kyle needed a Protection Order and that it's true.

Relavant Case Law

Raymund Winslow-Burton v Kimbra Poindexter [2016] NZFC 1953

30. In this case it was noted that Parliment has vested a wide discretion in The Court to discharge such orders 'it thinks fit'
accordingly, The Court looks to Case Law for the relavant considerations in determining whether discharge is appropriate.
It was relavant that the protected person's 'view of the harm posed' if the protection order in this case was discharged and (unrealistic/irrational fear) did not appear objectively reasonable to The Judge. Family Violence incident reports provided by the Police did not substanciate (Evidence of assault or family violence) The protection order was discharged.

31. Meaning- *The requirement for 'Necessity' is a central requirement for jurisdiction and the Act can not be utilised by any party merely to socially isolate a child from wider family nor to alienate a parent.*
An order of this kind, even if Temporary and in dispute, remains a powerful order and an intrusion into the normal human condition. So for an order to be 'Necessary' there must be compelling reasons, violence and a probability of future harm, and to my mind, the fact that there has been domestic violence offences during our relationships deterrioration is not by itself sufficent reason to predict that some form of domestic violence offense will happen in the future, as in the grand scheme of all breaches, they were situational and not a pattern of behaviour in the scope of this breachable order being in question of its existance in the first place. nor is there any reason to alarm or directly contact the kids mum if such parent order, plan and access is in place.

This is another point in support of the respondent

Amandeep Kaur v Vishram Kaur [2016] NZFC 7386

32. In this case, contact order and protection order could be viewed retrospectivly by the Judge, and weighed for determination seperately when found pursuantly to s 5(e) that the respondent was deemed to be safe to have his children in his care and unsupervised, plus maintain that relationship despite the dissolution with the applicant over what was not, minor or trivial but a pattern of serious physical violence. This is relavant in this case as the child and paternal dynamic was able to be allowed, even as proceedings aged, the respondent had the children on weekends.
Its not a point of law as this case was under an older version of our current legislation but the applicant v the bond between ones only child do not compare, as a matter of fact and even in this violent case, the father still got his kids.

White v Portillo [2017] NZFC 7294

33. In this case The Court was able to determine the violence perpensity was inherant in both parties and so brough the issue of violence to a stalemate and the application for a final order was discharged. In respect to The Parenting Order,this was granted but on conditions a parties attending programmes as directed. This is relavant in this case as The Applicant hasn't proven a grave sense of imminent danger that warrants a without-notice Protection Order and that the children are involved at a disadvantage due to proceedings.

Combined Proceedings: The Children's Wellbeing and View

34. I, Kyle Craig, The Respondent in these proceedings applied to The Court on the 27th of March for a copy of an updated report detailing my childrens views for inspection and interpretation. I was not afforded this on our 29th of May Conference and to date have still not been given insight into our primary consideration for this section but I will move forward with points I wish to make in support of the Respondent Interloctuary Parenting Order Application 2023.

35. Also on the 27th of March I asked Judge Doyle Not to combine proceedings as I know and act as if this is my kids and our shared future and bond at stake here, because it is. I miss too many visits as it is already because I still remain supervised, as the Applicant Care of Children Act submissions are filed in Both bundles and at times Family Violence
Act submissions have been included (as at) and only with the added upon testimony under the heading *Parenting Order*.

36. My onus here is to remind The Family Court Judge/Decision Maker that the cross-over effect of a protection order being combined with the care of my children proceedings is that the dynamic risk assessment that disadvantages me, despite stasis, is viewed alongside The Courts paramount consideration and regard, which is to The Applicant in the Family Violence Act proceedings, in reference to reassuring the Mother and that such perspective (in the balance of harm or violence) will unfairly jeopridize a similar calculation in scope and regard as to whether (care and protection) should remain supervised forever, lose my children all together (or as it appears The Applicant wishes) avoid my children what so ever, because they are protected persons and the Applicant Will breach me and I got 12months imprisonment for my first breach, so ditch them all which is the only legal thing I can do. So to mourn my loss and this such waste of time, walk to Wellington, try get them from there in hopes I help or inspire at least one person on the way in the similar position that I was.

37. My Children are worth it and I know they will be 18 oneday. I am no good to them in The Applicants jails and in motivation I highlight the following selfishness:

Section 51(2) of The Care of children Act 2004: has been ignored.
Section 5 (a) (b) (c) (e) (f) of The Care of Children Act 2004: haven't set to include Dad Section 6 (2,a,b) of The Care of Children Act 2004: A report of views remains pending. Section 16 (1,b,c) and (5) of The Care of Children Act: Dad denied, seeks declaration.

Family Violence and Children's Safety:

38. Under the Care of Childrens Act 2004 the Family Court Judge is directed to make findings of fact where there is a disputed allegation of Family Violence or Abuse by considering:

-the Nature, Seriousness and Frequency of the violence used

and I say the nature was not physical, financial, abusive to the children nor coercive or of a frequent occurance.

The Case Lesley v Witika [2021] NZFC 7570 is similar in scope and contains actual violence, yet still awards propor visits.

-whether there is a historic pattern of violence or threats of violence or example of coercive and controlling behaviour that causes or may cause the child or their carer cumulative harm

we have family harm call outs. we can agree for the puropses of post judgment support thar Ms Webb and I used to argue and that we would benefit from addressing our parenting through separation and our individual tendencies for relationship issues via counselling etc but this was not family violence of the sort that The Court should impose a final protection order and that no threat of harm exists in the evidence to suggest that the temporary protection order shouldn't be discharged.

-the likelihood of further violence occurring

this balance of probability includes any breaches against the current temporary order as an indicatior of further breaches or the necessity of a final order. In the District Court files evidence suggests that Ms Webb was not, nor made, an intended target of harm by me. Many breaches arise out of Ms Webb's feelings of something being projected toward her and also includes breaches that are directly doubled up alongside offences against Ms Webbs associates, the very people whom entrapped/contacted/antagonized me, whom did so phishing me to talk about her as evidence for a breach.

It was as if this temporary protection order has also been for the benefit of people not named on the order. and that associated entrapment is not a defense if breached.

The likelihood for violence toward Ms Webb here remains absent when weighed up of the defendants view and that breaches of the temporary protection order were not crimes at all if the order was not in place. the likelihood of further unwanted communication is also addressed as low if a fair and lawfully structured parenting order is in place, like the respondent interloctuary parenting application.

I harbour No ill will toward The Applicant, I wish her success as a parent and Individual.

-the Physical or Emotional Harm caused to the Child by the violence

the physical and emotional harm to the children here has been committed by The Applicant. Craig is supervised, hasn't pit them against their mother at all and there are no family violence claims by the applicant party suggesting I physically or emotionally harmed my children and supervision is not in our best interests.

Supervision has taken place for sometime now, the Court is assured it has the power to order it again but for now,
I havent even been nor yet given a chance.

In August and September 2021 I used to just pick my kids up. I drove and could have them in my care on my own. I would take them to Ms Auketts overnight in my care aswell. That was after our first break up in June, but it was back when that suited the applicant and before she was motivated to 'systematically gain via proceedings'
further supervision for Craig is not justified.

-whether the Child will be Safe in the Care Of or having Contact with the violent person

concerns here are in the words of the mother and is highlighted on my autism.
I wish to invoke studies on autistic adults and their ability to parent, due to the absence of much data, but what is out there, is also a list of the positives of an autistic parent.
My children and I share these positives.

More data is needed in covering these two points.
I am well documented in my view that this protection order was put on me to protect me from protecting my kids because something happened.

I hope that even if at least through me, more data can be available in the future to this regard. Supervision is not necessary and the respondent interloctuary parenting application and agreement should be adopted by the court.
The applicant wants 100% control and paternal isolation of the respondent. The court should realise here if the children are even safe in the care of the violent applicant, trying to bury a protective 'because' worried father
Custody and 60/40 share falling favourably to Ms Webb via the respondents interloctuary parenting application is the only other option other than what currently stands.

-Any Views the Child Expresses on the matter

-any steps taken by the violent person to prevent violence occurring

it took some time as a respondent to be given support. I went to the government organisations and they became my first breach. This wasnt about violence this was about gaining this order.

I the Respondent have a psychologist (Dr Ben McEachen PHD) of whom I contact and can talk to because he is the one that I like and will listen to. He worked with me on hypersensitivity and I have learned to calm and regulate my emotions/sadness around these proceedings to remain motivated because of work that I have done with him.
We in these proceedings have not been afforded dispute resolution nor have we been sent to parenting through separation. That is what's needed

-any involvement or oversight from The Community or other Organization relating to the Childs welfare

The Applicant is not isloated and she is very much supported.
The temporary protection order should not be made final as the applicants supports provide an ample sense of security and so does The Law (which requires fair inquiry)

-any serious mental health condition that impacts on a parties ability to ensure the Childs Safety, and the steps taken to address this issue

the Applicant using High Functioning Autism Spectrum Disorder/Aspergers Syndrome to persuade the Court to demand I am supervised if not granted custody is something I have waited for this part of the process to respond to.
I have not yet seen The Applicant parties case law and research on High Functioning Autism Spectrum Disorder/Aspergers Syndrome and ones need to be supervised/not even parent at all so I reserve my response here for when I first hear theirs.

Anxiety is not a reason to question someones parenting skills or ability and neither is High Functioning Autism Spectrum Disorder/Aspergers Syndrome.

A consequence of severe anxiety is the perception of irrational fear and this is relavant in this case. A consequence of the above mentioned Autism and my personal circumstance is the methodical but sporadic response to frustration or precieved hopelesness. But Autism has never been a hypersensitive or detriment to my childrens navigation of any situation or everyday life. I am not mentally impaired (as opposed to Low Function Autism) This is relavant in this case

-<u>any drug or alcohol issues that impacts on a parties ability to ensure the Childs Safety and the steps taken to address this issue</u>

Della is structural, and a good mum. I am supportive of Ms Webbs sobriety goals from the beginning of these proceedings and deem this a yes that all parties have the ability to discuss any problems.

This falls in support of The Respondent's Applications.

-<u>Any Other Matters the Court thinks Relavant</u>

Family Dispute Resolution to structure our Parenting and Safety Plan, Parenting Through Separation, Lawyer for child post-hearing follow up and in home parenting support to gauge and assess the Respondent for an amount of time are suggested interventions proposed in Favour of The Respondent Interloctuary Applications.

<u>Regard to Extended Friends and Family</u>

39. Attachment theory is a complex area of social science where a brief overview of those studies show that:

40. - Children have one person who is their primary attachment figure. They turn to this one person for comfort.
- Children usually have other attachment figures who they can turn to for comfort. This is usually the other parent, but this can extend to grandparents or other important figures in the childs life.
- Childrens attachment relationships are incredibly important to their development. Damaged attachment relationships have negative consequences for children as they get older.

41. We in these proceedings are at a time where it is not too late to reconnect and recement these bonds with the children that have been stripped, by awarding a Parenting Order in The Respondents favour.

42. Supervised visits are therefore no longer required either as the presumption applied to order this, is in line with The Applicants claims of Family Violence on her, and there remains no claims or evidence of Me committing violence toward Isla and Kindred at all.

Declaration that Father is Guardian

43. it seems as if, for the Respondent, that some applications that I have made to The Court apperar un-readable by The Court, as in the least, they have remained unenforced at past hearings, unactioned, defied or they simply remain unacknowledged. I here reilleterate my application that I be declared guardian (of Isla and Kindred Craig, by right) and I wish for reciept from The Court of this when matters close please.

a. Under Section 20 (1) of The Care of Children Act 2004 and combined with Section 17 I make this Application for Guardian Declaration of Isla and Kindred.

Characteristics of Parenting

44. I am of the innate and learned ability to provide proper guidance care and support to Isla and Kindred with high regard to age-appropriate limitation and I have an understanding of how to communicate and respond with my children to meet their needs, questions or concerns. I have a good record of bond with Isla and Kindred and they remember me, even from when they were young. I dont have social-functioning defecits that inhibit my children nor rob them of oppertunities to learn something, go somewhere or meet someone as I am open to explore and navigate our communities as I was taught: *The Children are our Community and The Community are our Children*. I was parent help often at Grasmare Kindy and Isla loved that I was with her teachers throughout The Bush Kindy programme. Iv'e nursed them when sick and have installed nutritional guidance which is still present in their eating/manner habits today. Im able to maintain all appointments like we used to and I dont have a history nor file note of any neglect toward any other child ever. Even in this instance, I note my children were wearing Hi-Visibility vests at the Fire Station visit. I have positive direction, drive in motivating my childrens academic and sporting feats and as a parent im reasonable and co-operative as we get fairness through comprimise and communication and through my parenting, I work to increase my childrens social skills and well-being as-well as confidence in the way I recall fun events, things we did or learned and targeted compliments to peoples friendlyness, talents and attributes. The Court needs to take this into account in Analysis.

Conclusion/Absolute Defense

45. Anxiety is not a reason to question someones parenting skills or ability and neither is High Functioning Autism Spectrum Disorder/Aspergers Syndrome. (*reference 3*)

46. A consequence of severe anxiety is the perception of irrational fear and this is relavant in this case (*reference1/2*)
A consequence of the above mentioned Autism and my personal circumstance is the methodical but sporadic response to frustration or precieved hopelesness towards an invisible aggressor. This is relavant in this case as I The Respondent revisit, reassess and harnesess responsibility for my actions, behaviour, words and short comings since the granting and placement of this Temporary Protection Order.

47. Compared to what I did to have this order placed on me compared to what the order has thus 'caused' and the severe infringment on rights if the Temporary Protection Order is made Final calls for The Court to make a detailed assessment, as I submit that The Court is thus required to view my breach/behaviours as in a pleading sense and not an Offensive sense - and if unwarranted provocation or self-defence is an applicable defense in any element of law should there should not therefore, remain in place, such an Order which is viewed as a 'systematic weapon' by the bound person and provokes risk, contrarilly, to the absense of risk present if calculated where No order is in place at all.

48. This is then further endorsed if a fair and agreed Parenting Order is granted in favour of The Respondent, or in the least the reassurance of 50/50 custody and a Parenting/Change Over Agreement that establishes fair 60/40 access negotiable to highly favour The Applicant and my childrens sense of home and permanance and so a structured hand over and safety plan is required, to calm, benefit and support The Applicant moving forward.

49. I, Kyle James would then be sourcing, providing and focusing on my Kids, our goals and our time together instead of alone, worried about them and confused as to why I am wrongfully completley locked out of my childrens lives and for why.

50. I didnt commit Family Violence with Ms Webb because I became a result of my response to not being allowed to see my children and frivilous vexatious proceedings and have incured family violence breaches though but this dosn't dictate that a final order should stand when viewed in probability and scope amongst The Respondent views.

51. I am not at risk of future violence toward Ms Webb. She is the most important person in the world to my kids and my kids are the most important girls to me.
This happened suddenly, but we broke up amiably. I admit that I miss not being able to talk to Ms Webb but that is in the sense of how we were so close for those many years only, it is not in the sense of 'general' conversation.
I knew I was losing a friend too but my point of law here is that I have seen no evidence of myself ever approaching, acosting or threatning Ms Webb.

52. A Final Protection Order is thereby Not Justified nor necessary and The Family Court has the power to initiate oversight post judgment/directions.
Without-Notice Applications are focused on issues of serious injury, undue harm, risk to the safety of The Applicant or any Children and the risk of children being removed from the Country.
But here, Lawyers use the 'imminent risk and undue hardship' provision to make a case and thus meet the threshold criteria. Judges then err on the side of caution and the application is granted.
This Family Court report I learned this in suggests the middle ground Time Sensitive Application – not at risk of serious injury. Which is relavant in this case.

53. So we need to set out each allegation and it's response and then its secondary repeat and that response, in chronology, where we can establish the finding of fact and in which view is correct or likely on a balance of probability to have happened.

54. This is where we need to be assured that The Court is considering all sides of all parties inputs and that no one is not being heard. When Applicants view (in FVA) and Childrens View (COCA) are in combined proceeding, that either way, this is only looking at how to restrain The Respondent.

55. Success can be drived for families by The Family Court when the outweighed need for protection or intervention turns into a future focused established parenting agreement and responsibility. As families relax and begin the new found structure children are more often highlighted for their points of view and appreaciated as we see the Law working for all and as we watch the growth and milestones we see our children achieve through our parenting its through these proceedings we remember our obligations as a parent and that these children are soon the next generation of our world to come and that there are care and protection concerns at play to ensure all children get a fair chance

56. There are a lot of variables to what looks straight forward and the New Zealand Crime and Victims Survey describes the most frequent type of psychological violence is stopping someone from being able to contact their friends or family.

Signed, The Respondent.
Kyle James Craig
of Invercargill

reference 1: Why Anxiety Causes Irrational Thoughts & Fears | hims
reference 2: print 1 Anxiety Disorders — Here For Texas
reference 3: print 4 autism-parent-factsheet.pdf

IN THE FAMILY COURT
HELD AT INVERCARGILL
I TE KŌTI WHĀNAU
KI WAIHŌPAI

FAM No: 2022-025-000027
Family Violence Act Proceedings

BETWEEN [redacted]E WEBB

of Invercargill
Mother

Applicant

A N D KYLE JAMES CRAIG

of Invercargill
Father/Dad

Respondent

Respondent Submissions in Family Violence Act Proceedings in Favour of TPO Discharge

Dated 18/08/2023

Filed By:

The Respondent
Kyle James Craig
Glengarry, Invercargill

Discharge of Temporary Protection Order Application:

1. I, Kyle James Craig of Invercargill appear as The Respondent in these proceedings. I seek in Application to The Invercargill Family Court the discharge of the Temporary Protection Order based on my two assessments of the Family Violence Act 2018 test criteria I've previously submitted for The Courts consideration, and here I build on this as-well as acknowledge recent breaches of this order, and also include a brief disclosure of aim and intent in regards to validating justification and relavance of my witnesses, in this filing:

2. I believe the Care of Childrens Act proceeding alongside us here, provides issue resolution and an outcome for this Family Violence Act proceeding by way of The Respondent Interloctuary Parenting Order Application consisting of a safety plan and hand-over of care plan that benefits, respects and surely appeases The Applicant and I again urge The Applicant to submit her current draft, issues, input or suggestions for review and construction of these plans by all involved.

3. To The Court, I motion that such Safety Plan is a sufficient replacement in lieu of a Final Protection Order as such Plans can be also bound by Court Order under and at the Care of Childrens Act Hearing, and that Ms Webb's views are also jurisdictionally paramount in this considering that a final view of both proceedings alongside oneanother will show a comprimise in the outcome of the Family Violence Act Hearing awarded in favour of The Respondent Application, as consideration and respect for Applicant wishes of complete distance and no communication etc can be expressed and defined by Ms Webb and agreed on in the proposed Respondent Interloctuary Parenting Order Application Governed Safety Plan, if awarded in the Care of Children Act proceedings. This is in support of The Respondent Application to Discharge the Temporary Protection Order. This is also in line with and in my view meets The Respondents previous Family Violence Act Test Critera for Discharge Submissions that allow The Court to weigh upon the same view in determination.

4. Furthermore, I again remind The Applicant Party that she is still protected by every other common law and that a Family Court Ordered Parenting and Safety plan only builds upon these protections, guidelines and assurances, as such Safety Plan is intended to be in her favour anyway.

Respondents Purpose for Witnesses:

5. *P. Webb, of Invercargill* – My questioning here will briefly but prove in my favour that the 21st Nov conversation between us (used 'in isolated parts' by The Applicant in initial proceeding commencement evidence) was isolated to that evening only, came to no avail and that Mr Webb to date has not nor has had any reason to block or avoid me on social-media or anywhere else and that both prior and post, this isolated interaction remains the Only interaction that Mr Webb and I have ever had and that this therefore did not warrant a valid reason for the subsequent Feburary 2022 Police Safety Order Application (currently also in review) or in that fact, the Temporary Protection Order Application where The Applicants isolated context of this conversation was used as evidence to gain a Temporary Protection Order.
however Mr Grandad Webb will confirm in my questioning that he has never witnessed family violence in our home and that this 2nd point will be made in support of The Respondent Application to Discharge the Temporary Protection Order Application.

6. *D. DeGarnham, of Invercargill* – My questioning here will prove in my support that the 31st Dec comments I wrote on his pictures he uploaded of Ms Webb, our Children and Himself was also an isolated and quickly ceased interaction and that not only did he immediately remove the post in it's

entirety and thus my comments, here preventing any further harm or exposure on anybodies part, that this too did not warrant Ms Webbs capture and Feburary use of this post in complaint to the Police to gain the Police Safety Order, then again used alongside in Application for a Protection Order (both in dispute)
Furthermore, my questioning will also prove in my favour that he has never witnessed family violence in our home and his further testimony here will also elaborate to The Court his role in The Applicant and The Childrens home following my departure, as-well an under oath account of Ms Webbs state of mind and behaviours as he uptook many of the roles I had in my childrens lives.
My questions for DeGarnham are fair and relavant to the award of The Respondent Application to Discharge the Temporary Protection Order Application.

7. *J. Reynolds, of Invercargill* – The Applicant Ms Webb formed a relationship with Mr Reynolds during some time before his release on electronically monitored bail to The Applicants home in March 2022, only 3 weeks after a sudden and provably unnecessary Protection Order Application we here dispute was made against me and I put it to him that this protection order was a collusion wrongfully applied to protect those Not named on the order.

8. *J. MacClure, of Invercargill* – [redacted]

9. *G. of Invercargill* – Mr Forde is The Applicants witness. The evidence I have of unfairness and ultimatum toward me by Forde is by way of many recorded phone calls and I havent submitted this as evidence nor do I deem it heavily relative to do so. I have no interest or complaint toward Forde other than that he needed replaced, and he has been.
Mr Forde however has a present and provable record and tendency to lie for Ms Webb. When I get my minutes in examination, as per right, then I expect that any commission of the offence of perjury under oath by anybody be upheld in the District Court when apprehended and that the Family Court Rules start getting taken seriously. I have a right to cross-examine Mr Forde and it would be a gross misjustice to be robbed of, or to elaborate any further in this submission, and so I reserve further discussion of relavant outcomes that I anticipate with this witness.

10. *J-Lee Aukett, of Invercargill* – Aukett is The Applicants witness and both Webb and Aukett will attest to my absence in their matters for determination. I will observe and gague The Applicant examination and respond on the day accordingly in my exam. The same applies here for:
N-Leigh Massie, of Invercargill and The Applicants *s132 Report Writer* witness.

Temporary Protection Order Breaches:

11. I've acted in ways I've never over this, but I've never not been able to not see my kid before. But I had genuine care and protection concers for my daughters as it was, before The Protection Order in Feburary 2022 (of which I add: I didn't violently act on) and then my suspicion grew as I was first socially, paternally and then suddenly - legally exiled.

12. My behaviours, words and breaches are my regret and responsibility to ensure don't reoccur and so im not going to justify a minimisation or explanation for them here as they were my wrongs and Ive addressed my underlaying misguidedness, although I did find it relavant to include this heading in this submission.

13. However, I didn't ask for any of this either...

14. I have submitted a motion to The Court for determination of these Applications to be weighed upon my record (of no breaches) as at the Feburary day of the Applications being made that Im defending the very making of in the first place, but to no avail.

15. As it stands, through my criminal proceedings related to this case, I have a large series of govt enquiries pending in relation to these breaches, as being self-represented gave me extensive documentation of everything that was happening. The Applicant stook a claim on my laptop as her landlords connection at the Police, which whom was also my charging officer and authour of the search warrants accompanying affadavit, disclosed the fruits of a warrant executed on me to her and she stook a claim and I paid her $500. I have evidence of the crime of perjury on three police officers and one prossecutor which remain under review in the IPCA, and nervously in the Office of The Attorney-General. And thats because Im still practicing how to successfully file charging documents in The District Court by myself. I have 325 pages of cross agency data information sharing generated case file reports that have been in the Office of The Chief Ombudsman in my favour being unredacted for the past 8 months, as-well as two reviews into the IPCA being held in the Office of the Chief Ombudsman also. In a sealed letter to King Charles Windsor The Third via the Office of The Govenor General I have fowarded all complaints and requested a written justification by the The 'letter writing' King for why I got 12months imprisonment from his lying counstalbry for my first and indirect temporary protection order breaches, because all of this carnage to my daughters and mine lives has and is being done In His Name, and I dont know why.

16. And I could continue, but my point is that in my quest to access the methods and tools used to form the final determinations in these proceedings, which will inclusivley hold weight against me for 'said TPO breaches' then I assume that the above will be resulted within two years of me losing here and I aim to find grounds for appeal weighed on a TPO breach being sufficient to award a FPO, if and when any relavant enquiry outcome bares any form or change to the Court and/or Masters file of any breach which was used in weight against me at the time of Family Court deliberation and at the expense of me and my daughters.

17. My First Breach ever was when I went to your stopping violence programme and while there I asked to see my kids and the lady called [redacted]. I was arrested for commiting Family Violence against [redacted] for that and banned from associating with the people from the course, by said officer mentioned above, until matters were over in Court.

The book writes itself..

I have asked in these proceedings, but yet not seen, Ms Webb's evidence of any courses or counselling attended. Am I to believe that [redacted] wasnt also directed to undertake a course upon these Family Court Applications and commencment, or has she just got away with it and dosn't have to address anything.
I got banned and then ostracized from mine By Youse.
I propose that 'course completion' should still hold weight in my favour in these proceedings, labeled: #Completed#Due-To-System-Error#

The fact that the very agencies that The Applicant gained assistance from upon our break up are the

agencies that not only overly offer Protection Order Applications to people but are also the ones very good at writing them for them also, which adds to the amount of factions whom through their note taking are in many senses lying for Ms Webb. Agencies of whom have funding to support this and some have blood on their hands in the Royal Inquiry into Historic Abuse which is also soon to deliberate.

18. Sorry, but I cant change that I have breaches of this Temporary Protection Order against me, albeit many legally questionable, they were my responses and I agree I was wrong. And it Wasn't Autism!

19. In These Proceedings, Autism was used against me by both Ms Webb and Judge Brandst-Geisen for the first time ever and when I thought I was losing my kids because of Autism I motioned to the U.S. APA and the NZCCP for an undiagnosis and was recently told that no criterion for undiagnosis exists and they were not entertaining the notion of a world first.
If I lose the ability to naturally raise my kids because of Autism, Im going to USE my Autism to qualify for the Special Olympics and go kick some ass and prove through my plight and the outcry that High-Functioning Autism is Not a real disability compared to many others and is in my opinion from experience, not an excuse to not be allowed your own kids.

20. Other than that, my 12th June 2023 one breach of direct contact was again submitted to Police tailored and missing parts of the conversation in my favour, but my one contact breach was me reaching out for resolution and the appointment of a medium for contact moving forward.
Not any piece was aggressive, abusive or threatning – never has – otherwise we would be talking about that now obviously as it would be on file and would suggest a need for an urgent protection order maybe.

21. But it dosn't.

Signed, The Respondent:
Kyle James Craig, of Invercargill.

IN THE FAMILY COURT
HELD AT INVERCARGILL
I TE KŌTI WHĀNAU
KI WAIHŌPAI

FAM No: 2022-025-000028
care of children act proceedings

BETWEEN [redacted] WEBB

of Invercargill
Mother

Applicant

A N D KYLE JAMES CRAIG

of Invercargill
Father/Dad

Respondent

Respondent Submission in addition to Interloctary Parenting Application

Dated 16/08/2023

Filed By:

The Respondent
Kyle James Craig
Glengarry, Invercargill

<u>Interloctuary Parenting Order (additions)</u>:

1. I Kyle James Craig, of Invercargill am Isla and Kindred's Dad and The Respondent in these proceedings. I have submitted an Interloctuary Parenting Order Application in request that The Invercargill Family Court grant custody of Isla and Kindred with 60/40 share in favour of The Applicant as things were tracking, but the Applicant has since further ignored not just Court Rule applications and notices by me to produce evidence for The Courts insight, but also comprimise and has turned this into a battle of in custodys.

2. I here declare I now build on my Interloctuary Parenting Order Application based on the additional information, laws, and Interloctuary Parenting Order Application Additional Statements I submit here in this further filing:

3. The criteria met and in which I submit to The Court that allows this to be the right decision is simply based on the facts that Isla and Kindred are both over 5 and will understand the change. They're 6 and 7 now and these ages also mean <u>ease</u> on the handover itinerary.
I have an able proximity to keep them in the same school etc and no intention to move away. I am in a position in my employment and my employers support to shift and in lieu take on the role, routine and commitment required to provide full duty of care of and to Isla and Kindred immediately and sustainably if determined.

4. However, I believe it's with sound Parenting, Safety and Handover Plans being Ordered that I can provide our children the best stability in the sense of upbringing, where I can continue their current in-home expectations, consistencies and rules and in turn, despite The Applicants ignorance/or through her appointed medium, am able to continue to maintain these plans so as not to have the children fall into living under two sets of rules at our respective homes.

5. In New Zealand, to be a parent, wanting that & to do your best - is enough! No matter who you are.
Essentially a kindness – it's prioritisation, partial sacrafice and consistency, but bore a child, and Everyone has a chance. The State is and has always been there in guidance. Services, the Law and Supports are always available. This is the chance I ask for from The Invercargill Family Court and this is in support of The Respondent Interloctuary Parental Application being granted.

6. I'm not attacking [redacted]s destructive behaviours inflicted in and beyond our relationship because I know she is only remodelling what she witnessed in her childhood.
in turn, people with *easier* childhood backgrounds and experiences automatically, on this model and *like I*, help with future parenting in both behaviour and vision. This is in support of The Respondent Custody Application.

7. Despite The Applicants defence to allegations against her, a fine functioning family is a well spoken and supportive unit of haven where Communication, Goals and Boundaries are built to Enhance the well-being, growth and individuality of all members. Calm and consistent routine is a secure place of approach for children to learn, trust and develop as a person and is also where an innerstanding of whanau identity and of where and who they come from is afforded, from Both their Mum and Dad.
This is built upon openness, comprimise and age appropriate negotiation with a child in separated parent situations and leads to relaxed consistency. That is how kids talents, dreams, morals and ethics are structured and thrive. Respect for peoples feelings, ideas and rights are how homes

become our first sense of community & law.

8. However, ones ability to parent can be comprimised, and for children privy to information or situations in which an adult wants to guide or alter in Any form results in Childrens well-being, both emotional and psychological, being overlooked in these homes.
A parent whom harbours deciets, shameful secrets, embarrassments, chronic stress, unresolved griefs, addictions or abuse - leads to a self-centeredness, or paternal need for attention and entertainment.
Family secrets trap children into a burden of anxiety, conspiracy and silence.
Distressing events that are ignored or have no discussion around them leave children to cope alone, yet suffer differently, as selfish parents blindly place a strain on their child through manipulation, abuse of their world view, and a burden of fear – making children afraid of betraying the family by letting something out, or by saying something (to) that is known to 'irk' the abusive parent.
This is where a childs pre-school Personality can be lost, and that is the worst effect of all in these times.

9. Distortions of truth include mixed-messages, pretending, minimising, dishonesty, false accusations, gross exaggeration, altered (actual view) of experience, denial, mind-games and coercion. These traits are abound in abusive parents, and when even one of those traits is used by an adult upon a child, contrary to the truths that the child saw, felt or sensed, are here and become inherrantly world view changing, amounting to a form of neglect, especially when mothers are heavily influential on daughters.

10. A weakness of pre-occupied mothers is changing moods, inconsistencies, broken promises, bewildering accusations, mocking hummilation, ultimatiums, yelling or gossip to form similar memories/opinions, laziness, innappropriate demands or expectations and secret sorrows that all steal from ones ability to focus and parent fairly and attentively.

11. Strengths are: comprimise, communication, courage, empathy, determination and commitment.

12. A childs home is the spring-board of social-development and forming relationships with peers. I know my Kindred and I feel real sorry for her lately. Sudden social struggles in children are more often an outward expression of difficulties faced at home. An affirming and inclusive home life equals natural confidence - and my children have changed* (*as at: April/May 2022)

13. In this case, this is unnecessary abuse. If The Applicant is (as it appears) so worried about her life and what the children say to me, I have nothing to hide... The children in my, The Respondents, full custody would mean The Applicant could then control her environment for the duration of visits with the children, thus reducing risk of irrational fear and breach. Thus issues resolve.
This too is in support of The Respondent application for full custody.

14. Children whom have lived through actual family violence often describe the verbal part as the most painful of memories, Yet even the most warmly intended parents can fall short, but in support of The Respondent Application, I can offer ongoing commitment, patience, stability and also the skills to cope with challenges or inconsistencies. As-Well as fair care and communication arrangments and agency engagement.

15. Parental alienation can be distressing for children living with a parent whom is against the other, wether the hatred is heard directly or indirectly. This creates an inner agonizing conflict in children as they seek to please, yet are torn between both parties. Tisbury School has attested to this in files privy to The Court. A parent anti the other will tell stories to people of how bad the other was, forming often an exaggerated or gossip of reason as to why they were forced to leave.

Emotionally abusive parents are often the first to be outspoken about “breaking the cycle” because they believe that just because they are not abusing their children in the same way - that the cycle is broken. This self-centered parenting is 70/30 in favour of the adult, not a 50/50 focus like a childs family home should be, especially if the parent is constantly seeking stimulation. Parents can here yet fail to recognize how their words, alienations, silent treatments or manipulations form a new cycle of abuse, control and destructivness. Especially when children become exposed to adult situations.

16. Parenting is supposed to be a healthy mix of care and protection, as-well as age & ability appropriate encouragment towards independence and well-being. Milestones are Important. But without notice/without explanation, Alcoholics are often moody, irrational, dishonest and spiteful. I used to be a familial monotonus constant for my daughters. It was I whom always still got them up for kindy.

17. I'm here having to prove a lot more than what a mother has to at break up. I may have lost them but I gain a newfound noncomplacency for routine, attention, love and focus for my children. I've even maintained normality with all meals I have taken to visits. I know my kids, and If I didn't have so much to give and to teach Isla and Kindred then I would just leave them with D[redacted]a because I know there are epic resoursefulness, courage and adaptabilities developed by children within challenging family homes, but I also know my babies and I just cant. Im pained by missed milestones already.

These 'adaptive roles' and ill-appropriate responsibilities I mentioned are where resourseful children will resolve functionalities of the family home them-selves to complete tasks or supports that bring balance and relief to the child, but this is at the expense of a free and spontanious childhood as-well as a kiwi kids right to natural growth and development. It is apparent that Isla has taken a motherly role toward Kindred by the way they act in school together. At recess Isla wants space and Kindred dosn't know what to do. While I can still save the impact of 'this' on their sense of self, The Court must consider these alternates my application offers when determining custody in the care of these childrens proceedings. There are enough eyes on me for me to be granted this application in favor of The Respondent as-well as gauged.

18. Many behaviours learned by children to help their survival in dysfunctional upbringings are skills and coping mechagnisms that are actually detrimental to them as an adult.

Neurotic and distracted parents are often a result of this themselves. Paternal anxiety & disorders build prisons for children to grow up in and here, Della brings the parties home. Strangers and in fact, - All Adults have the power to make a huge difference in the life of a child they meet, through their interactions with them. Adults can be beacons of hope, or be destructive, -as mentioned by Kindred about Webb's new flat-mate and partner. This highlights the importance for children to have meaningful connections, positive community role models and trusted family members present for a child to turn to. Here, moments of genuine inspiration, tenderness, love, nourishment and explanation or motivation can out-weigh <u>any</u> harsh words from an uninspired or ill effected adult.

19. It's here that immediate family to the children like Nana Jennie and kin offer an alternative world-view and experience for Isla and Kindred plus a safe haven, important for any girl in her life. Jennie is a big women, and Isla has always seen her as strong. Re-cementing bonds like these can do so much to off set the devastation a destructive parent can bring or has brought and The Court must take this into account in weighing award of The Respondent Application for custody.

20. My pain filled eyes of yesteryear show regret and embarrassment for my actions during these proceedings and I acknowledge that whole heartedly moving foward. But they also show vision of

courage, longing and hope for daddy daughter repair. My behaviours were wrong and publically shameful and I have to deal with that, but they were responses to harshness, not fairness. I left, - I lived far away on a farm and sent money via Gerry & banking - and that was when I didnt see my kids. I only ever saw or knew I could see my kids once I acted up in those times. I haven't had any help with this like how the community has helped [redacted]. I learned things later than she did. These aren't unidentified unhealthy traits and my autism is not cold and challenging. I am a good parent, I just reacted to confusion and bewilderment wrongly when my kids were took by the law when it was I whom actually held the now evidently genuine care and protection concerns.
Plus it felt like a lot was against me, especially when I possessed provable and blatent lies weilded by 'public service' and 'public protection' offices.
Yet I am safe, and blessed. My self-sufficency, optimism, competence, open-mindedness, tenacity, resourcefulness, intiution, sensitivity, boldness and persistency are parternally inheriant and I am in a position in life to re-navigate to the all wanted child home routine and structure.

21. I've never abused, neglected or failed to protect my children when in my care and any report of our shared presence together (in those unnatural situations at Time Out Carers reports) when taken into account, fall on the balance of probability in my favour of custody when weighed against the concerns in current reports vs what hasn't even yet been tried. This too is in favor of the Respondent Application for full custody.

Relavant Legislation in Support of The Respondent:

The Law that I rely on in The Courts consideration of custody is The Care Of Childrens Act 2004s

Section 5: Principles relating to child's welfare and best interests: (here I explain)

a) My regretted breaches of the Temporary Protection Order can in no way be minimised, despite my feelings of portraying a protective father (toward potential do-badders) at the time, and I accept that I was the cause of upset and insecurity, despite the fact I thought that I was sheltering them from harm from others, a result of the mothers behaviours.
However, in my favour under **5**,**a** it remains my duty and responsibility to ensure this principle is upheld – when or while the children are in my care, and I will as-well as can. Evidence of my relavant trainings in this area is attached via the NZQA ROA affixed to my interloctuary application.

b) I re-assert to The Court that I have applied for Declaration of Father as Guardian in these proceedings, thus far: to no avail. I seek this.
Isla and Kindred's care, development and upbringing is forefront in my mindset as-well as my draft of a Parenting, Safety and Handover Diary Plans and these points are acceptance of my primary responsibility and here fall in favour of The Respondent Interloctuary Parenting Order/Custody Application.

c) I'm sorry but I have tried and The Applicant Party has not budged in my motion for negotiation to date.
Nor has Lawyer appointed for The Court fufilled her insinuated role to attempt progress toward negotiations in dispute resolution, safety and hand over plans, visitation and agreements or issues to assist or relieve burden on The Court and Respondent.
Me however, I harbour no ill-will toward The Applicant and I am willing to bare the brunt of a semi-fair safety plan in her favour and I suggest the school as-well as an appointed medium on

Webb's behalf to ensure handover and 'childrens information diaries' (if awarded) are of upmost but genuine sensitivity so as not to alarm The Applicant.
We were Partners. Now, Were (co)Parents. I understand that.

I request from The Court that agreements via my parenting order are built to define the kids events, occasions, achievements and awards, ceremonies and any other gathering that may arise, and that this agreement determines whom of Mum or Dad can attend or not. For me, it's a little stressful anticipating what either of us will miss out on or not when it comes to our kids engagements and I know for singular big appointments that the kids will have, that one of us will essentially miss out on. I ask for this to be fair and structured please and I assume the Family Court holds a relavant model of this? In a way that appeases The Applicant of course. This is in favour of a combined adherance to the facilitation of this care, development and (co)upbringing principle in 5c.

d) The people in my life are all people that Isla and Kindred have already met (except my current work boss of whom gives my life substancial aide and friendship support) so in my custody, upon the footing of quality Plans/Orders/Agreements I request, here provide in my favour the consistency that this principle demands in continuity.

e) Im doing my best to try increase my visits. Also, it's been long established, inculcated and presented in my past artistic expressions that I am aware of the role that I play in ensuring that my daughters are both Inspired and Get that Mother/Daughter relationship bond that they and her deserve. Im inherrantly restrained from negatively impacting on that, I have nothing bad to tell them about her only good and I here in written and sworn oath on this document will always consider Family Members from any sides request to see the children once assessed and if in the childrens nourishment and interest and I request this be an ordered condition. In favour of The Respondent Interloctuary Parenting Order and Custody Application is the way in which my custody will begin the repair, preservation and strengthening of the (of late) relationships between Isla and Kindred with their (my half) family group.

f) This is the role I play, in my natural encouragment toward my daughters understanding, wonder, skill strengthening, learned competence and their ideas. This duty of care principle is Not in favour of The Applicant Parenting Order Application and The Court must assess this for itself.

g) I communicate well with Isla and Kindred, but from here I will further endeavour to uphold this balance of input and decision principle. This Section of the Care of Children Act 2004 meets the test criterion in favour and award of The Respondent Interloctuary Parenting/Custody Order Application.

Section 64: <u>Guiding Consideration and Principles</u>:

1) I The Respondent assert that my parenting order application, commitment and willingness to negotiate and uphold fairness for all meets the requirements of this Scetion and is just.
This principle **64**(**1**) is however not, in my view, met by or within The Applicant Ms Webb's Parenting Order Application **-** and in line with this relavant law or legislation The Court must weigh this in consideration and ultimately determination, in these care of children proceedings.

Signed, The Respondent:
Kyle James Craig, of Invercargill